

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

TRACK TWO SETTLEMENT

Judge Patti B. Saris

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS COUNSEL'S
PROPOSAL TO REDISTRIBUTE THE TRACK TWO CONSUMER ALLOCATION**

I, Steve W. Berman, declare and state as follows:

1. I am a partner at the law firm of Hagens Berman Sobol Shapiro LLP; my firm served as Co-Lead Counsel in the above-captioned case. I submit this Declaration in Support of Class Counsel's Proposal to Redistribute the Track Two Consumer Allocation. The matters stated herein are true to the best of my personal knowledge and, if called upon to testify thereto, I would and competently do so.

2. I asked members of the Class Counsel team to ensure that they consult and review with each of the proposed Class Representatives for the Track Two settlement the redistribution methodology that we are proposing to the Court in association with the Track Two consumer allocation and to take this opportunity to again review the fairness of the proposed settlement. I have been advised that each of the proposed Class Representatives have been consulted, and that they approve of the redistribution proposal and the settlement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of July, 2011 in Seattle, Washington.

/s/ Steve W. Berman

Steve W. Berman

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, ***Declaration of Steve W. Berman In Support of Class Counsel's Proposal to Redistribute the Track Two Consumer Allocation***, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on July 5, 2011, a copy to LEXISNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman